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PCT Patent Application No. PCT/CA99/00700

Applicant: Resolution Pharmaceuticals Inc. et al.

Title: Immobilized Labeling Compounds and Methods

Response to Written Opinion and Article 34 Amendment

This is a response to the written opinion issued on February 23, 2001.

Clarity and Conciseness

We enclose new claims 1 to 44. Please replace the pages with former claims 1 to 53 with the pages containing the new claims 1 to 44.

The Examiner did not examine claims 1 to 53 on the grounds that the claims lack clarity and conciseness. Applicant has accordingly replaced claims 1 to 53 with new claims 1 to 44 and added new claim 37. Also, former claims 6, 17, 26, 29, 31, 32 and 49 have been cancelled. In view of these amendments, Applicant submits that the new claims are clear and concise.

Specifically, the Applicant has amended former claim 1 to improve the clarity of the claim and to incorporate some of the limitations of former claim 7. The Applicant has added new dependent claim 2 which incorporates further limitations of former claim 7. Also, the Applicant has amended former claim 7 so that it is dependent from new claim 2. In view of these amendments, Applicant submits that new claims 1, 2 and 7 are clear and concise.

New claims 2 to 18 are now dependent on new claim 1 to provide that the claims are directed to a composition rather than a compound as previously claimed. The Applicant has also amended these new claims to change their dependencies. In view of these amendments, Applicant submits that new claims 2 to 18 are clear and concise.

The Applicant has further amended former claim 2 (new claim 3) for the purposes of consistency with new claim 1. In view of this amendment, the Applicant submits that new claim 3 is clear and concise.

The Applicant has incorporated the limitations of former claim 3 into new claim 16. In view of this amendment, the Applicant submits that new claim 16 is clear and concise.

The Applicant has cancelled former claims 4 and 5 and has incorporated the limitations of these claims into new claim 15. In view of this amendment, the Applicant submits that new claim 15 is clear and concise.

The Applicant has amended former claim 9 (new claim 11), former claim 10 (new claim 12), former claim 11 (new claim 4), former claim 12 (new claim 9), claim 13, former claim 14 (new claim 5), former claim 15 (new claim 14), former claim 16 (new claim 10), former claim 18 (new claim 17) and former claim 19 (new claim 18) for the purposes

of consistency with new claims 1 to 18. In view of these amendments, the Applicant submits that new claims 11, 12, 4, 9, 13, 5, 14, 10, 17 and 18 are clear and concise.

The Applicant has amended former claim 27 (new claim 42) to change its dependency to new claim 41. In view of this amendment, the Applicant submits that new claim 42 is clear and concise.

The Applicant has amended former claims 30 and 33 (new claims 21 and 24, respectively) to change their dependencies to new claims 1 to 18. In view of this amendment, the Applicant submits that new claims 21 and 24 are clear and concise.

The Applicant has amended former claim 34 (new claim 35), former claim 35 (new claim 36), former claim 37 (new claim 39), former claim 38 (new claim 40), former claim 39 (new claim 26), former claim 40 (new claim 27), former claim 41 (new claim 28), former claim 42 (new claim 29), former claim 43 (new claim 30), former claim 44 (new claim 31), former claim 45 (new claim 32), former claim 46 (new claim 33), former claim 47 (new claim 34) and former claim 50 (new claim 23) to reflect a change in the number of the claims. The Applicant has also amended these new claims to change their dependencies. In view of these amendments, the Applicant submits that new claims 35, 36, 39, 40, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 23, respectively, are clear and concise.

The Applicant has amended former claim 36 to form new claim 38. Applicant has made amendments to improve the clarity of the claims. In view of this amendment, the Applicant submits that new claim 38 is clear and concise.

The Examiner did not examine former claims 39 to 47 (new claims 26 to 34) on the grounds that they relate to subject-matter covered by the provisions of Rule 67.1(iv) of the PCT and consequently no meaningful examination of the industrial applicability of the subject-matter of these claims could be formulated. The Applicant wishes to maintain former claims 39 to 47 (new claims 26 to 34) in the application.

Lack of Unity of Invention

The Examiner has objected to former claims 51 and 52 (new claims 43 and 44) on the ground that the claims do not form a single general inventive concept. In particular, the Examiner objected that former claims 51 and 52 (new claims 43 and 44) relate to the preparation of metal support surfaces rather than compounds for generating pure imaging agents. The Applicant submits that former claims 51 and 52 (new claims 43 and 44) are sufficiently and closely related to the independent claims to constitute part of the same general inventive concept in that they provide an additional method for preparing a support surface for generating a complex-forming metal ion labelled agent and therefore should be maintained in the application.

Certain Defects in the International Application

The Examiner has objected to former claim 24 on the ground that it has an incorrect dependency because former claim 34 (new claim 35) is a product claim. To meet this objection, Applicant has cancelled former claim 24. In view of this amendment, it is submitted that the Examiner's objection has been met.

Certain Observations on the International Application

The Examiner has objected to former claims 20, 22, 23, 25 and 28 because they appear to be independent and have overlapping scopes. To meet this objection, Applicant has cancelled former claims 22, 23 and 25. The Applicant submits that the remaining method of generating a complex-forming metal ion labelled agent are contained in new claims 19 to 20 (former claims 20 and 21, respectively) as well as and new claims 41 to 42 (former claims 28 and 27, respectively) which have been amended for clarity. New claims 19 to 20 are the main claims and require use of a composition according to new claims 1 to 18. New claim 41 is an independent claim. The Applicant submits that new claim 41 and dependent new claim 42 are directed to a specific embodiment and are not encompassed by new claims 19 to 20. In view of these amendments, it is submitted that the Examiner's objection has been met.

The Examiner has objected to former claims 1, 7, 31, 48 and 53 because they appear to have overlapping scopes. To meet this objection, Applicant has combined claims 1 and 7 into new claim 1 and new dependent claim 2. The Applicant has amended claim 48 (new claim 22) to be dependent on new claims 1 to 18. Also, the Applicant has cancelled claims 31 and 53. In view of these amendments, Applicant submits that the Examiner's objection has been met.

The Examiner has objected to former claims 48 and 53 on the ground that they should contain all essential technical features. To meet this objection, Applicant has amended claim 48 (new claim 22) to include a technetium or rhenium labelled agent. Also, the Applicant has cancelled former claim 53. In view of these amendments, it is submitted that the Examiner's objection has been met.

The Examiner has objected to the claims on the grounds that they should be concise in their entirety as well as individually. To meet this objection, Applicant has accordingly replaced former claims 1 to 53 with new claims 1 to 44 and it is submitted that the new claims are in compliance with Rule 13(4) of the PCT and PCT Guidelines III-3.4. In view of these amendments, it is submitted that the Examiner's objection has been met.

Applicant respectfully requests the issuance of a favourable International Search Report.